REMARKS

The applicant thanks the examiner for the telephone interview with the applicant's representatives, David Feigenbaum and Letao Qin, on January 31, 2008. In the interview, the applicant's representatives pointed out that Song's back EMF powers Song's circuit only in the simple sense that the back EMF passes through the circuit on its way to the load. Unlike the applicant's system, there is nothing in Song that suggests the EMF also provides power to enables Song's circuit to perform its operations. The applicant's representatives and the examiner agreed that the applicant would present a new claim that made this distinction clearer. Thus, the applicant is presenting a new claim 63.

The arguments of the applicant below are preceded by related comments of the examiner (in small, bold type).

3. Claims 1-7, 9, 11-16, 18-32, 34, 36-41, 44, 45, and 59-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Song et al. (US 7,097,342) in view of Miller (US 5,296,785).

Song et al. disclosed, as shown in fig. 1-5, a vehicle suspension system comprising: electronic control module 4, actuator 6,8,10,12 comprising switch circuitry 14 powered by energy from movement of the actuator to passively damp the actuator.

However Song et al. was silent to disclose the use of the actuator during a failure and wherein the electronic control module is powered by a capacitor.

Miller teaches the use of a fail-safe damping rate for the suspension system and the electronic control module powered by a capacitor

It would have been obvious to one of ordinary skill in the art to provide the system of Sang et al. with a fail-safe damping rate for the suspension system and the electronic control module powered by a capacitor, as taught by Miller, in order to avoid failure to the suspension system of the vehicle.

Song et al. do not specifically disclose the use of solid-state electronics.

It would have been obvious to one of ordinary skill in the art to use solid-state electronics in the device of Song et al. since the use of solid-state electronics have many well known advantages such as lower power consumption, less cost to make, more reliable and more resistant to vibrations.

Claim 1 has been amended. Paragraphs 40 and 41 of the description explain that the system functions even during a failure of a power supply. ("In order to provide the failsafe clamping function, circuit 77 should provide power to enable, by closing, the normally-open switch 79. This power can be provided by a storage device such as a battery or a capacitor. However, solutions that utilize a storage device are susceptible to failure if the storage device

fails."(¶ 40.) "Another manner of providing power to enable the normally-open switch is to use power associated with the back EMF." (¶ 41.))

Song does not describe, and would not have made obvious, switch circuitry that is powered by movement of an actuator to passively damp the actuator during a failure. In Miller, the switched reluctance machine always requires a power supply to operate. Therefore, Miller does not describe, and would not have made obvious, switch circuitry that is powered by movement of an actuator during a failure of a power supply.

Claims 12, 19, and 26 are patentable for at least similar reasons as claim 1.

All of the dependent claims are patentable for at least the reasons for which the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstances in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

Please apply any charges or credits to deposit account 06-1050, referencing attorney docket no. 02103-381001.

Respectfully submitted,

Date: 7/26/8

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